

City of Selah
Council Minutes
July 30, 2018

Special Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Raymond called the meeting to order at 6:00pm.

B. Roll Call

Members Present: Jeremie Dufault; Jacquie Matson; Rachael Glaspie; John Tierney; Roger Bell; Russell Carlson

Members Absent: Diane Underwood

Staff Present: Robert Noe, City Attorney; Eric Steen, Deputy Police Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

Council Member Carlson moved, and Council Member Glaspie seconded, to excuse Council Member Underwood's absence. By voice vote, approval was unanimous.

D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

E. Invocation

Deputy Police Chief Steen gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/ Presentations **None**

H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

Mayor Raymond opened the meeting. Seeing no one rise to speak, she then closed the meeting.

- 2. Written **None**
- J. Proclamations/Announcements **None**
- K. Consent Agenda **None**
- L. Public Hearings **None**
- M. General Business
 - 1. New Business **None**
 - 2. Old Business

- a. Lease of a portion of Wixson Park to Selah Park & Recreation Service Area Board

City Attorney Noe addressed M – 2a. He outlined the steps taken since the Council Meeting last Tuesday, which included meeting with SPRSA’s attorney to draft a lease, sending it to the Mayor for her review then back to the SPRSA attorney, receiving revisions after a SPRSA meeting held Saturday morning, reviewing the new changes with the Mayor that morning, receiving back a clean copy of the lease with grammatical and formatting issues corrected, and having a hard copy printed for Council to review that night. He went on to say that what is before them is acceptable to City staff if Council desires to move forward with approval, then reviewed the minor changes made since the draft copy given to them with Friday’s packet.

Council Member Tierney remarked that he found nothing in the lease that listed what the pool was going to be named, and that he would like to see something in there to retain the name as the Francis pool.

City Attorney Noe responded that nobody contemplated that aspect of it, and it would be Council's will whether to do so or not.

Council Member Carlson asked if SPRSA has ownership it gives them those rights regarding naming.

City Attorney Noe replied that he thought so.

Council Member Tierney commented that was unless they chose to say otherwise in the contract.

Council Member Glaspie inquired if it was named the Francis pool.

Mayor Raymond answered in the affirmative.

Council Member Glaspie observed that she’s only known it as the Selah pool, not he Francis pool.

Council Member Tierney requested that the Mayor give a history on the name of the pool.

Mayor Raymond said that it was named after the Francis family, and they donated money.

Public Works Director Henne remarked that they donated money for the pool back in the late 50s or early 60s.

Mayor Raymond commented that they have such an issue with naming things in town that they need to be very careful with this.

Council Member Glaspie opined that it gives SPRSA the ability to look for large donations as well, as naming the pool could be used as part of their ability to fund the pool if need be.

City Attorney Noe spoke, saying that there might be something the City passed previously regarding the naming of the pool, to keep that name for perpetuity, but it was an issue he hadn't considered.

Public Works Director Henne commented that he thought there was an ordinance about naming the pool, which can be looked into, as sometimes they have given rights to name things for perpetuity.

Council Member Carlson felt that they should ask to retain the naming rights to discuss it further once the matter has been looked into, as they don't have a clear answer on that.

Council Member Tierney asked if making that amendment would require going back to SPRSA's attorney for approval before they act on it.

City Attorney Noe responded that, if Council so desired, they could do a condition regarding the name of the pool in the future.

Council Member Tierney felt it important be cautious about the naming and honoring the history, and that it ought to be in the contract before they move forward.

Mayor Raymond noted that they went through that with the ballfield.

Public Works Director Henne opined that they did get their money's worth.

Council Member Carlson suggested that they just pass it while maintaining those rights.

Council Member Tierney pointed out that they need have to have it in the contract.

Council Member Carlson didn't see why they would hold up the contract over a minor issue.

Council Member Tierney responded that it might appear to be a minor issue in his mind but it could be major to others.

Council Member Carlson answered so then retain it.

City Attorney Noe suggested that they simply pen language into the contract, have the Mayor initial it if she signs it, then send it back to SPRSA to initial if they approve.

Public Works Director Henne asked if that would be contingent on whether there was an Ordinance saying that it would always be called by that name.

Council Member Carlson commented that was what he was saying, that they retain those naming rights.

Council Member Bell opined that part of the issue is that the City would no longer own the pool; SPRSA would.

Council Member Tierney agreed, but added that if they include in the contract the rights of the City to maintain the name of the pool or assign the name of the pool, regardless of who owns it, then naming it remains the prerogative of the Council.

Council Member Glaspie remarked that SPRSA will own the new facility, and while she completely understands the significance of naming it this would be a new aquatic center.

Mayor Raymond felt they should look at the original contract to see what it says, but if there's nothing in it about maintaining the name then let SPRSA name their pool.

Council Member Carlson reiterated his previous comment about retaining the naming rights until the matter could be investigated.

Public Works Director Henne remarked that it could be contingent on the verbiage, but if it's not for perpetuity then they surrender that requirement.

Council Member Glaspie said that if it's important then they need to express that to the SPRSA board.

Council Member Tierney felt that the key was whether there was anything in prior agreements that addressed the matter and asked City Attorney Noe if they could put verbiage in that addressed it.

City Attorney Noe responded that, if there was an Ordinance that addresses the matter it would trump the contract, so there would be no need for additional language in the contract.

Council Member Glaspie commented that was a great point.

Mayor Raymond stated that they would pull the Ordinance and read it to see what it said.

Council Member Tierney remarked that he has had several contacts regarding the pool, and he had some material he would like to read into the record so that it is documented and available for public to review. He read aloud an email from David Zanolli, a letter from David K. Van Alstine, and an email from Kelliann Ergeson, copies which are attached as part of the official record. He finished by saying that his only comment regarding whether it's called a renewal or replacement levy is that one needs to be morally and ethically right so that the public is aware of what's going on.

Council Member Carlson commented that there were various emails that came, and he didn't see any emails included that came in support of the levy, adding that it makes him wonder why those weren't included as well. He told Council Member Tierney that he made notes while listening to him read the

correspondence, and questioned whether they fully understood what was being voted on. He felt that SPRSA had put forth a tremendous effort, with numerous opportunities for the public to ask questions.

Council Member Glaspie stated that they literally put a dollar amount down First Street for people to see.

Council Member Carlson went on to say that, when he hears someone accusing him of not listening to the majority and having a personal agenda, he wants to make known that initially he was against signing a lease due to having too much up in the air, but the City and SPRSA have worked together to create a pool they all approved. He recommended giving SPRSA the opportunity to continue to knock on doors and petition for this vote, as the majority is willing to pay for it. He noted that there was an effort to educate the public when the bond ran, although it's a difficult matter to educate them on when one doesn't know the final costs.

Council Member Tierney remarked that legally one can't combine the bond and levy.

Council Member Carlson commented that he sees that the writer mostly understands what's going on, but disagreed with the accusations being tossed at them for not taking public's opinion into this, as he felt the public has indicated they want it. He wondered why they would stand in the way of that majority, saying that it's not the City's responsibility to fill the new pool, and that a record number of people came out in a year wouldn't have expected to say they wanted the pool.

Council Member Glaspie noted that fifty-six percent said yes, they wanted the new pool.

Council Member Tierney corrected her, saying that more than that indicated they wanted the pool, but only fifty-six percent said yes for the last levy, which failed.

Council Member Carlson remarked that it was a majority.

Council Member Tierney responded that it doesn't matter.

Council Member Carlson said that his point was that they were asked to listen to the public, asked to have a special meeting that has been well publicized, which they've done.

Council Member Glaspie observed that the writer says community first should run through their minds when voting on something that impacts the taxpaying citizens, adding that the majority of taxpaying citizens came out and said yes.

Council Member Bell commented that he contacted David Zanolli the same day he received the email from him, meeting with him last Thursday to talk for almost two hours. He noted that many things stated in that email were misinformation, and that he found Mr. Zanolli to be an extremely reasonable person and willing to listen; he just wanted some answers.

Council Member Tierney responded that he also talked to him for an extensive time today, and felt that he made some very good points, as misstating or misleading can go both ways.

Council Member Carlson agreed but felt it could be viewed in two different ways, using the example of fifty-six percent saying they still wanted the pool after significant redesign. He added that, if they were in the business of making everyone happy, they would fail one hundred percent of the time.

Council Member Tierney felt that the issue comes back to fifty-six percent, as the last levy failed because by our constitution they have to have a supermajority to pass a taxing issue. He pointed out that they also have the potential of this levy failing, and if they sign the lease and SPRSA goes ahead with building after the M&O fails they would have a pool with no water, no lifeguards, and no one running it, and a group holding a gun to the community's heads. He expressed his skepticism based on what he had received and talked about, combined with his previous work experience, saying that one never signs a lease before everything is in place and ready to take off. He stated that he is all for the new pool, but cannot see them doing a lease prior to the passing of the M&O levy.

Council Member Dufault said that he shares that perspective in many ways, as well as many of the concerns shared by Mr. Zanolli and Mr. Van Alstine. He said he brought up at the last meeting that there could potentially be an empty pool without a source of operating funds, and had requested that SPRSA commit to run a capitol campaign to raise the funds of the levy failed. He went on to say that, as the conversation continued, he ended up in support of approving and signing a lease because of a piece of information that came out in discussion with City Attorney Noe regarding a Resolution done prior to the bond running that agreed to sign a lease with SPRSA upon passage of the bond. He reiterated his encouragement to SPRSA that they don't proceed with construction until the levy passes or a capitol campaign commences and indicates it would be successful, because he feels the issues raised are out there, prominent and of interest to him.

Council Member Bell stated that, in 2012, a decision was made that the City wouldn't be in control of the pool, a fact that created the SPRSA district. He went on to say that they've been doing the taxing, yet Council tries to assume their responsibilities when they limit them, and that, although it hasn't been the City's responsibility since 2012, it has come up multiple times since he became a Council Member. He said that they won't have a pool if they don't build this year, as costs could go up as much as three quarters of a million within a year.

Council Member Glaspie moved, and Council Member Carlson seconded, to take action on the lease in front of them proposed between the City of Selah and the Selah Park and Recreation Service Area, allowing the Mayor to sign the lease effective immediately. Roll was called: Council Member Dufault – yes; Council Member Matson – yes; Council Member Glaspie – yes; Council Member Tierney – no; Council Member Bell – yes; Council Member Carlson – yes. Motion passed with five yes votes and one no vote.

N.	Resolutions	None
O.	Ordinances	None
P.	Public Appearances	None
Q.	Reports/Announcements	

1. Departments

Deputy Police Chief Steen had no report.

Community Development Supervisor Peters had no report.

Public Works Director Henne talked briefly about Governor Inslee's visit last week to talk with the Mayor and City Administrator, saying that he discussed the BUILD application. He said that he was impressed he wanted to stop and talk about it, and that the governor reminisced about growing up in Selah.

Council Member Carlson asked if he was in support of it.

Public Works Director Henne responded that he couldn't give them any positive kudos for it, although he felt it was still good that he came.

City Attorney Noe expressed his appreciation for Council's thoughtful approach to this process.

2. Council Members

Council Member Dufault informed Council that his family would be on vacation for the next Council Meeting and asked in advance for the Board's excusal.

Council Member Matson had no report.

Council Member Glaspie had a quick comment regarding the items included in the packet, saying that she received several emails that came to the entire council that were positive with regard to the lease agreement, and felt that was a concerning point for her at least.

Council Member Tierney had no report.

Council Member Bell had no report.

Council Member Carlson remarked that this was now twice where he noticed information changing and not being presented in the packets, where they were given partial information.

Executive Assistant Lake requested permission to speak.

Mayor Raymond gave permission.

Executive Assistant Lake responded that none of the responses were included in the packet, that the letter had been dropped off earlier that day and she wished to ensure that they also saw the email that had been received. She stated that the positive emails were received prior to the last Council Meeting, and that she verified the dates of the emails sent to the generic Council account to ensure they received what had been sent after the last meeting.

Council Member Tierney added that it's personal initiative on the part of each Council Member to bring those to a meeting.

Council Member Carlson asked him if he brought those.

Council Member Tierney responded in the affirmative.

Council Member Carlson remarked that he would simply print off everything next time and bring it all.

3. City Administrator **None**

4. Boards **None**

5. Mayor

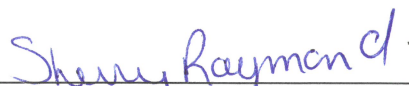
Mayor Raymond had no report, but wished SPRSA good luck.

P. Executive Session **None**

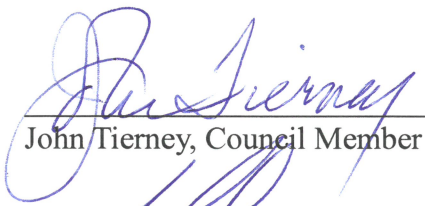
Q. Adjournment

Council Member Tierney moved, and Council Member Carlson seconded, that the meeting be adjourned. Motion passed with five yes vote and one no vote.

The meeting adjourned at 6:54pm.

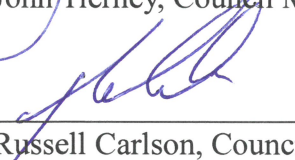


Sherry Raymond, Mayor



John Tierney, Council Member

Roger Bell, Council Member



Russell Carlson, Council Member

EXCUSED

Diane Underwood, Council Member



Jeremie Dufault, Council Member

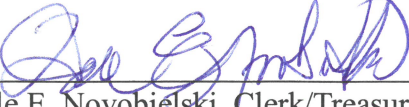


Rachael Glaspie, Council Member



Jacquie Matson, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

Lake, Monica

From: David Zanotelli <zman4454@yahoo.com>
Sent: Wednesday, July 25, 2018 2:43 PM
To: Selah Council
Subject: pool

Hi My name is David Zanotelli resident in Selah for 18 years. I want you to know that I have been in communication with Kelly Anne and Don for a long time about this pool issue and have tried to go about this the correct way. Last night you forced the issue about starting a lease agreement with the spersa board without the levy being passed. So instead of getting input from the majority of the voters that you represent you took matters into your own hands. I Do not know who you think you are but I certainly will not vote for you and any other person who pushed this issue. You are suppose to represent all of the public not just a certain amount of people who can attend the meeting because there not working.

If you remember or if you care the public had a choice when this bond was passed for a covered pool to be used year round or a non covered pool. The voters wanted a covered pool to built year round. That's correct a covered pool year round that is what we voted for. It has changed many times from a covered pool to a pool with a retractable cover, a pool retrofitted to have a top put on later to now just a new pool with no possibility for a cover. It is not the voters fault that the spersa board did not from the beginning do this the correct way. Maybe you should ask them where they got their first bid for the pool. Oh yes a residential contractor not a municipal contractor . The public has been so misled about everything that has gone on with the pool.

I would like to know what you are going to do with an empty pool building if the levy does not pass. This sounds more like a dictatorship not democracy. I am asking that you not go forward with this lease agreement as you are not getting everyone's opinion on this issue. If the levy does not pass and you enter in an agreement with spersa on a lease you will only be doing the voters a disservice as you have not spoke with all of them. I would ask that before you do this that you have a special meeting that has been told to the public through news or media about the meeting so everyone can attend. I you feel that this is what the public wants the what would it hurt to have another meeting about it that everyone knows about.

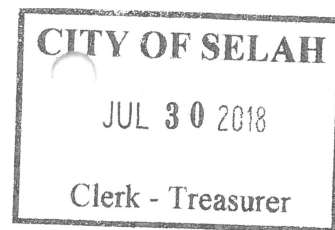
There is much more I can say but I feel it will fall on deaf ears as you think the seven of you can take matters into your own hands.

Please feel free to call me 698-2114 or 424-8229

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7-20-18



Several things need to be addressed in regards the Selah Pool and the new proposed Maintenance and Operations Bond and the lease that will be voted on today. The 20 year, \$6.2 million bond that was passed in 2015 for construction of the new Selah Pool was a farce as the plan that was sold to the public showed an architectural drawing of the project which made it seem like this was going to be several pools one of which was enclosed and could be used year round. It turns out the plan that was sold to the public was nothing close to what was promised. Basically it is \$6.2 million to rebuild the current pool and some other minor adjustments that will be used for approx 75 days a year instead of the 365 days a year the past bond called for when it was proposed to the public. That bond was passed because the public thought it would be a year round all inclusive facility which could be used not only for kids and the swim team in the summer but for adults and elderly during the colder months. These are the times that our seniors would greatly benefit from a low impact work out and a healthy way to exercise without having to brave the elements.

Now the Selah City Council is voting on a lease for the land that the pool sits on and might be where the new pool will be, if it is even built, as we are voting on an Operations and Maintenance bond for \$300,000 a year to run the now heavily altered design. How can you even consider giving a lease before you even know if the vote passes to run the thing? At the very least the council should stipulate that the lease is null and void if the upcoming bond is voted down. The whole project from start to present has been mishandled and bumbled at every turn, this vote on the lease is no exception.

Here are some numbers I have come up with and should be considered and told to the public. If you take the \$6.2 million over 20 years and the \$300k per year Operations money it works out to approx \$9,600 a day for the approx 75 days in which the pool is open a year. At the end of the 20 years there will indeed be another bond proposed to fix the depreciated pool. This simply does not make any sense, who comes up with these numbers, why wasn't the operation included in the original bond? It seems like someone or some organization is trying to hoodwink the public in to exorbitant taxes to fund this poorly planned project.

Our community does care about this pool but the way it is all being handled is laughable and an affront to all the taxpaying patrons of our great town. This pool should be something the entire community can use for a set price, no breaks to the swim team as with other sports you pay to play. Kids and parents that have a problem paying should hold fundraisers to pay for the use of the pool. Selah is a generous community and I am sure they would be able to raise necessary funds with a little effort. The City should give no lease until the actual cost is known and personal agendas need to take a back seat to the good of the community. Council members need to do their job and vote for the public that elected them not pander and promise to small groups and organizations that are trying to ram this through. Community first should run through all of your minds when voting on things that impact every taxpaying citizen of Selah.

I have lived in Selah for over 60 years and have been involved in countless construction projects and know how things are supposed to work in regards to building. You would quickly be bankrupt if you tried running a business like this project has been handled. I have talked with several community leaders and members and they largely agree that this entire project is a disaster but feel if they stand up and make their thoughts known publically they will face repercussions upon them personally or in their respected businesses. I have heard of several instances on social media of people questioning the facts of the project facing backlash and ridicule for their wanting to know the true numbers and facts that are being shielded from the public. For this kind of money, in a community that largely doesn't have expendable income, you should at the very least be open and candid about what the real cost to each household truly is before you blindside them with even more expenses. Be open and honest with the people or you will just keep throwing our money at a failed venture.

DAVID K VAN ALSTINE

509-697-5907

David K Van Alstine

John,

I wanted to be sure to follow-up on the concern you shared on behalf of a Selah Community member at the last SPRSA Board meeting. Although the SPRSA Board isn't responsible for the campaign materials, the Board certainly wants to be sure that all information is legally sound. To that end, I sought out our bond/levy attorney's opinion, which I've shared here. While I can appreciate the community member's desire to make certain that voters understand the rate of collection for the 2018 M&O Levy, the use of "replacement" to clarify the rate isn't necessary, nor recommended. We hope the dollar amount included on some signs and the flyers and expected postcard is considered sufficient transparency.

Please let me know if you or any community members have any additional questions or concerns.

With appreciation,

Kelliann Ergeson

509-961-7995

From: Jeff Nave <jeff.nave@foster.com>
Date: July 23, 2018 at 9:26:43 AM PDT
To: 'Kelliann' <kelliergeson@hotmail.com>
Cc: Aimee Brent OZANICH <ozanich_96@msn.com>
Subject: RE: Selah Park & Recreation Service Area - Levy Campaign Verbiage

Kelliann,

Neither the statutes nor applicable case law requires the use of one phrase over the other. The large majority of the ballot titles we see use the term "renew". Here, your existing levy is expiring. It would seem the PRSA is renewing the authority to levy in the future. I might argue that "replacement" would be a better term if the PRSA had existing levy authority that was not expiring, but wanted to terminate that authority prematurely so it could impose a new levy at a different rate. In that scenario, the PRSA would be replacing the existing authority with new authority.

Jeff
509/777-1601